



Town of Westminister

MASSACHUSETTS 01473
FROM THE OFFICE OF THE
PLANNING BOARD

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Larry Skamarycz, Chair

Marie Auger, vice chair

Dan Bartkus

Gregg Buckman

Jodi Snyder

**NOTICE OF DECISION
PLANNING BOARD –
MODIFICATION to SITE PLAN APPROVAL &
STORMWATER MANAGEMENT PERMITS for a
WAREHOUSE BUILDING & OUTSIDE STORAGE FACILITY
Lot I-7 WESTMINSTER BUSINESS PARK
March 7, 2023**

1. Application

This document is the DECISION of the Westminister Planning Board (hereinafter the Board) to the Applicant Westminister Owner, LLC (hereinafter the Applicant) for property located off Theodore Drive. This Decision is in response to the applications for a modification to the Site Plan Approval and Stormwater Management Permits issued February 22, 2022 to construct a 604,800 square foot warehouse on the subject property.

2. Applicant/Owner

Westminister Owner LLC
1900 Crown Colony Drive
Quincy, MA 02169

3. Location

Theodore Drive, Tax Map 72, Lot 1 in the Industrial-I zoning district.

4. Board Action

After due consideration of the Application, the record of proceedings, and based upon the findings set forth below, on February 28, 2023 the Board voted to APPROVE the modification to the Site Plan and Stormwater Management Permits issued February 22, 2022 with a 4-0 vote. The record of the vote is stated as follows:

GREGG BUCKMAN	YES
MARIE AUGER	NOT PRESENT
JODI SNYDER	YES
DAN BARTKUS	YES
JAQUILINE NALLY	YES

5. Proceedings

The Applicant filed applications for Site Plan approval and a Stormwater Management Permit on January 30, 2023. The public hearing date for this project was scheduled for February 28, 2023. Due to forecasted inclement weather, the hearing was postponed to March 7, 2023 at 7:00 pm in Rm 205 at which time the Board closed the hearing and voted on the applications.

The minutes of the public hearing and submissions on which this Decision are based, which together with this Decision constitute the record of the proceedings, may be reviewed at the Planning Department office of the Westminster Town Hall.

6. Findings

Based upon its review of the Application, exhibits, and the public hearing thereon, the Board makes the following findings and conclusions:

6.1. This project will result in the construction of a 604,800 square foot warehouse building with 7500 square feet of office space on the mezzanine floor. The site includes a connection to the railroad and provisions for outside storage. The project will be built on a 46-acre vacant piece of property with frontage on Theodore Drive.

6.2. The modification is allowed under Condition 8.3 of the February 22, 2022 Approval, Chapter 205-43 of the Zoning Bylaw (Site Plan Review) and Stormwater Management Permit under Chapter 137 of the Code of the Town of Westminster (Stormwater Management).

6.3. A review of the property's permit history indicates that the property has not received any Variances or Special Permits in the past but will require such and shall be a condition of approval for the modification of the February 22, 2022 Site Plan Approval.

6.4. This property was the subject of a Site Readiness grant from Mass-Development in 2018 to evaluate the property's infrastructure deficiencies in lieu of eventual development.

6.5. Town departments held a technical review meeting for this project on February 13, 2023 and the applicant has addressed all departmental comments.

6.6. The applicant has addressed all comments from the Town's consulting engineer (Tetra-Tech).

6.7. On December 15, 2021, the applicant, Park owner, Town departments met with staff from Mass DOT District #3 and Mass-Development to discuss planning for and funding the necessary improvements to the Route 2A/Depot Road intersection. Work to redesign the intersection is underway.

7. Exhibits

7.1. Site Plan submittal letter prepared by McCarty Engineering Inc., dated February 1, 2023.

7.2. Site Plan application prepared by McCarty Engineering Inc., dated February 1, 2023.

7.3. Set of Site Plans prepared by McCarty Engineering Inc., dated January 17, 2022, modified February 1, 2023 and February 27, 2023.

- 7.4. Application for Stormwater Management Permit prepared by McCarty Engineering Inc., dated February 1, 2023.
- 7.5. Stormwater Management Report prepared by McCarty Engineering Inc., dated January 31, 2023.
- 7.6. Traffic Study prepared by Green International Affiliates Inc., dated January 12, 2023.
- 7.7. Planning Department review memo dated February 23, 2023.
- 7.8. Planning Board consulting engineer review memo dated January 31, 2023.
- 7.9. Applicant's response to consulting engineer review memo for site plan and stormwater management report dated February 27, 2023.
- 7.10. Planning Board consulting engineer review memo dated March 6, 2023.
- 7.13. Applicant waiver request letter dated February 1, 2023.
- 7.14. Property tax card from Assessor's office.
- 7.15. 300' Certified Abutters List.

8. Decision

Upon closure of the March 7, 2023 hearing, the Planning Board voted 4-0 to approve the applications for a modification to the Site Plan Approval and Stormwater Management Permit dated February 22, 2022 with the following Conditions of Approval:

Administrative provisions

- 8.1. Other approvals or permits required by the Zoning Bylaw, other governmental boards, agencies or bodies having jurisdiction, shall not be assumed or implied by this Decision.
- 8.2. The Site Plan Approval apply only to the site that is the subject of the Application. All construction to be conducted on the site shall be conducted in accordance with the terms of this Approval and shall be limited to the improvements shown on the Plan.
- 8.3. The Board hereby reserves its powers to modify or amend the terms and conditions of this Approval upon its own motion with consent from the owner or the applicant, or on the Application of the owner or applicant. The Board further reserves its powers to amend this Approval without a new public hearing provided that the Board finds that such amendment is not significant to the public interest and that such amendment is not inconsistent with the purpose and intent of the Zoning Bylaw or with the terms of this Approval.
- 8.4. The Site Plan Approval shall lapse on March 7, 2025 if a substantial use thereof has not sooner commenced for good cause. Any request for an extension of the time limitation set forth herein shall be made in writing to the Board at least 30 days prior to

March 7, 2025 and the Board reserves its rights and powers to grant or deny such request without a public hearing.

8.5. Except as otherwise set forth in this decision, the facility shall be constructed in substantial conformance with the application documents submitted by the applicant, including without limitation the plans entitled, "Site Plan Approval Documents," dated January 17, 2022 and revised February 1, 2023 and March , 2023 prepared by McCarty Engineering, Inc. Any substantial deviation from such documents shall require approval by the Planning Board.

Site Specific Conditions

8.6. The hours of operation during the construction phase shall be from 7:00 AM to 5:00 PM Monday through Saturday. The Board recognizes that part of the project may require after hour and/or off hour construction needs including, but not limited to, concrete pours and other related activities. In such case, the applicant shall give the Building Commissioner not less than forty-eight (48) hours' notice prior to any after hour and/or off hour construction needs that are different from the hours of operation as referenced above.

8.7 The Applicant agrees to schedule a pre-construction meeting with all relevant Town departments prior to breaking ground and to provide the Town information on whom to contact during the construction phase, should any problems arise.

8.8. The Applicant will work with the Town to establish an inspection schedule based on construction milestones. The Town's engineering consultant will perform the inspections on behalf of the Board and the cost will be borne by the Applicant who will provide the Town with a check to cover the cost of this effort. The check will be deposited into a MGL 53G consulting account and any balance that remains after the inspection effort will be returned to the Applicant.

8.9 The Applicant shall provide the CSX (Rail) Design Documents for review prior to starting construction.

8.10 The Applicant shall revise plans to remove the Language "optional" from the Stormtech detail note on Detail Sheets 26-30.

8.11 The Applicant shall provide final design plans prior to construction if underdrains are required as a result of the Geotechnical Engineer review process.

Stormwater Management Conditions

8.12. Prior to construction, the Applicant shall prepare a complete Stormwater Pollution Prevention Plan (SWPPP) for the project, as well as apply and receive a Construction General Permit under the EPA's NPDES program. Copies of both the permit and plan will be provided to the Planning Board.

8.13. The Applicant shall permanently maintain the stormwater management system on their site in full working order by the property owner. As required by the project's Storm Water Pollution Prevention Plan (SWPPP), the owner shall submit periodic inspection reports to the Town as a condition of this approval. The owner shall properly maintain all components of the system for the life of the facility.

8.14. The Applicant or owner shall clean all catch basins and drainage structures on their site at the end of the facility's construction. The applicant's engineer shall conduct an inspection of the stormwater basins once construction is complete to ensure they are functioning as designed.

Traffic-Related Conditions

8.15. In the event that the traffic signal installation is not completed prior to the request for occupancy of the I-7 facility, the Business Park owners shall provide interim (temporary) traffic control measures (trimming, signage and stripping) at the intersection of Route 2A/Depot Road prior to occupancy and such temporary measures will continue if necessary until such a time that a traffic signal or similar significant improvement can be installed. Such temporary measures are subject to review and approval from Mass DOT and the DPW Director.

8.16. All truck traffic exiting the site will access Route 2 via Depot Road. All truck traffic from Route 2 will use Exit 94 to access Depot Road and then access the Westminster Business Park from the Route 2A/Depot Road intersection.

8.17. The Applicant will develop a Transportation Demand Management (TDM) program for the site that will include preferred truck travel routes. The TDM will be reviewed by the Town prior to occupancy of Lot I-7.

8.18. The Applicant will include the stopping sight distance and intersection sight distance plans and profiles on the final site plans and reviewed by the Town prior to construction to ensure that adequate sight distance will be provided and/or identify any required remedial measures (i.e., installation of advanced warning signage).

8.19. The Applicant will provide a traffic and rail management plan for the site and the proposed rail spur including a description of planned safety measures to the Town for review and approval prior to construction.

Grading and Landscaping Conditions

8.20. The owner shall permanently maintain all landscaping, berms walls and fencing shown on the approved plan for the project site. Landscaping shall be replaced as needed.

8.21. The Applicant is responsible for litter control both during and after facility construction on project site.

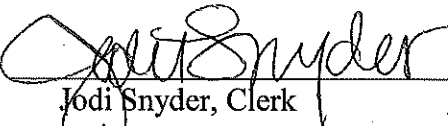
Noise-Related Conditions

8.22. No-idling signs shall be placed around the building so as to be clearly visible to all trucks. No vehicles shall be allowed to idle for more than 5 minutes.

8.23. Should noise levels from air conditioning units exceed Massachusetts State Building Code levels, the units shall be shielded to prevent noise impacts to abutting residences. The specifications for such screening shall be presented to the Building Commissioner for review and approval prior to installation.

WITNESS my hand this 8th day of March, 2023

On behalf of the WESTMINSTER PLANNING BOARD

By: 
Jodi Snyder, Clerk


Ellen Sheehan
Westminster Town Clerk

Date Filed March 8, 2023